

1. THE PRESENCE OF MILITARY SECURITY DETACHMENTS ON MSC-OWNED AND MSC-CHARTERED SHIPS RAISES QUESTIONS REGARDING THE RESPECTIVE AREAS OF AUTHORITY FOR THE SHIP MASTER AND THE MILITARY SECURITY DETACHMENT. THE GUIDANCE BELOW WILL EXPLAIN THE AUTHORITY TO ORDER THE USE OF FORCE AND WILL APPLY TO ALL INSTANCES WHERE ACTIVE DUTY MILITARY SECURITY DETACHMENTS (NAVY, MARINE, AIR FORCE, ARMY, OR U.S. COAST GUARD) ARE EMBARKED ON MSC VESSELS.

2. PARAGRAPH 2 OF REF A SETS OUT THE RESPECTIVE RESPONSIBILITIES OF THE SHIP MASTER AND OFFICER IN CHARGE (OIC) / NON COMMISSIONED OFFICER IN CHARGE (NCOIC) OF THE MILITARY SECURITY DETACHMENT. IT IS QUOTED HERE IN ITS ENTIRETY.

*2. (U) AUTHORITY OF SHIP'S MASTER AND OIC / NCOIC OF THE SECURITY DETACHMENT: THESE TWO OFFICERS SHARE RESPONSIBILITY FOR THE SAFE DELIVERY OF THE SHIP'S CARGO, AND WHERE APPLICABLE, TRANSIT TO THE PORT OF EMBARKATION FOR THE NEXT SHIPMENT. EACH OF THESE TWO OFFICERS WILL HAVE THE LEAD WITHIN THEIR AREA OF PRIMARY RESPONSIBILITY.*

*A. (U) SHIP'S MASTER IS RESPONSIBLE FOR SAFE NAVIGATION OF THE VESSEL, MAINTENANCE OF SAFE AND SEAWORTHY CONDITIONS ON BOARD THE VESSEL AND MAINTENANCE AND OPERATION OF ITS EQUIPMENT, AND THE HEALTH AND WELFARE OF ALL PERSONS ON BOARD. WITHIN THIS AREA, THE OIC / NCOIC'S RELATIONSHIP TO THE SHIP'S MASTER IS SIMILAR TO THAT OF A DEPARTMENT HEAD FOR THE SECURITY DETACHMENT. THE SHIP'S MASTER WILL COOPERATE WITH THE OIC / NCOIC TO PROVIDE SERVICES NECESSARY FOR THE SECURITY DETACHMENT TO PERFORM ITS MISSION, SUCH AS USE OF COMMUNICATIONS EQUIPMENT.*

*B. (U) OIC / NCOIC OF SECURITY DETACHMENT IS RESPONSIBLE FOR PROTECTION OF THE VESSEL, ITS CARGO AND ALL PERSONNEL ON BOARD FROM ATTACKS BY HOSTILE FORCES. IN THIS REGARD, THE DOD CARGO ON THE SHIP, SECURITY DETACHMENT AND ANY OTHER DOD PERSONNEL EMBARKED CONSTITUTE A "UNIT" WITHIN THE MEANING OF REFERENCE A (REFERENCE C ABOVE), AND IT IS AUTHORIZED TO USE FORCE IN SELF DEFENSE, AND DEFENSE OF THE VESSEL UPON WHICH IT IS EMBARKED. THE OIC SHALL KEEP THE SHIP'S MASTER INFORMED OF THE FORCE PROTECTION PLAN THE SECURITY DETACHMENT WILL EMPLOY; HOWEVER, THE SHIP'S MASTER DOES NOT HAVE AUTHORITY TO DIRECT THE OIC TO CHANGE THE PLAN. CONSULTATION BETWEEN OIC AND SHIP'S MASTER PRIOR TO THE EMPLOYMENT OF PROTECTIVE MEASURES IS RECOMMENDED WHEN FEASIBLE, BUT NOT REQUIRED IN THE EVENT OF EXIGENT CIRCUMSTANCES.*

3. THE DECISION BY THE SECURITY DETACHMENT TO USE FORCE AGAINST HOSTILE OR POTENTIALLY HOSTILE FORCES SHALL REST WITH THE MEMBERS OF THE MILITARY SECURITY DETACHMENT IN ACCORDANCE WITH THEIR RULES OF ENGAGEMENT.

4. IN ACCORDANCE WITH ARTICLE 0847 OF REF B, THE MASTER IS RELIEVED OF RESPONSIBILITY FOR ACTIONS TAKEN BY THE MILITARY SECURITY DETACHMENT, ACTING IN SELF DEFENSE, TO PROTECT THE VESSEL, ITS CARGO, AND ALL PERSONNEL ON BOARD FROM ATTACKS BY HOSTILE FORCES.

**REF A IS THE OPORDER FOR OPERATION GUARDIAN MARINER; ANNEX W OF REF A IS THE UNCLASSIFIED LEGAL ANNEX. REF B IS U.S. NAVY REGULATIONS. REF C IS CHAIRMEN JOINT CHIEFS OF STAFF INSTRUCTION 3121.01A STANDING RULES OF ENGAGEMENT.**